

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

THE HISTORIC GREEN SPRINGS, INC., REGINALD MURPHY, JANE STUART MURPHY, SERGIO SOBRAL, and GAIL FLEURY SOBRAL,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, LISA P. JACKSON, as ADMINISTRATOR OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, WILLIAM C. EARLY, as ACTING REGIONAL ADMINISTRATOR OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION III, and LOUISA COUNTY WATER AUTHORITY,

Defendants.

CASE NO. 3:09-cv-00075

FINAL ORDER

JUDGE NORMAN K. MOON

This matter is before the Court upon the Motion of Defendant Louisa County Water Authority to Dismiss under Rule 12(b)(6) for Failure to State a Claim and Failure to Join a Required Party, and the accompanying memorandum in support thereof, (docket nos. 12 and 13), Plaintiffs' Brief in Opposition to Motion of Defendant Louisa County Water Authority to Dismiss under Rule 12(b) (docket no. 14), Defendant Environmental Protection Agency's Motion to Dismiss, and the accompanying memorandum in support thereof (docket nos. 15 and 16), Plaintiffs' Memorandum in Opposition to Motion to Dismiss of the Defendant Environmental Protection Agency (docket no. 22), and Defendant Environmental Protection Agency's Reply in Support of its Motion to Dismiss (docket no. 26). This matter is also before the Court upon the Notice of Filing Certain State Court Records at the Request of the Court (docket no. 30), the Court's Order dated May 26, 2010,

directing additional briefing by the parties on preclusion and abstention issues potentially raised by the related state court proceedings in Louisa County Circuit Court (docket no. 33), and the parties' subsequent responses thereto (docket nos. 34, 36, 37 and 40), and the additional memoranda filed by the parties with leave of Court concerning the related state court proceedings (docket nos. 32, 39 and 42).

After full consideration of the arguments and authorities set forth in the aforementioned papers, as well as those presented at the May 17, 2010 hearing on the pending motions to dismiss, for the reasons set forth in the accompanying Memorandum Opinion, the Defendant Environmental Protection Agency's Motion to Dismiss will be and hereby is GRANTED (docket no. 15), and Defendant Louisa County Water Authority's Motion to Dismiss will be and hereby is DENIED, AS MOOT (docket no. 14).

It is so ORDERED.

The Clerk of the Court is hereby directed send a certified copy of this Order and the accompanying Memorandum Opinion to all counsel of record. The Clerk of the Court is hereby directed to strike this action from the Court's active docket.

Entered this 29th day of September, 2010.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE